

AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON TUESDAY, OCTOBER 3, 2006.

Board Members Present: *John F. Coates, Chairman*
Steven E. Nixon, Vice-Chairman
Larry W. Aylor
William C. Chase, Jr.
Sue D. Hansohn
Brad C. Rosenberger
Steven L. Walker

Staff Present: John C. Egertson, Acting County Administrator
J. David Maddox, County Attorney
Valerie H. Lamb, Finance Director
Paul Howard, Director of Environmental Services
Peggy S. Crane, Deputy Clerk

Staff Absent: Frank T. Bossio, County Administrator

CALL TO ORDER

Mr. Coates, Chairman, called the meeting to order at 10:00 a.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mr. Nixon led the Board and the audience in the Pledge of Allegiance to the Flag.

APPROVAL OF AGENDA - ADDITIONS AND/OR DELETIONS

Mr. John C. Egertson, Acting County Administrator, asked that the following changes be made in the agenda:

Under **CONSENT AGENDA**, amend the amount in item c., from \$1,500 to \$3,000 to be appropriated from donations received at the Airport for the Air-fest;

Under **GENERAL COUNTY BUSINESS**, add **VOTING CREDENTIAL FOR THE ANNUAL VACo BUSINESS MEETING**; and

Under **COUNTY'S ADMINISTRATOR'S REPORT**, add a discussion regarding voluntary additional tax contributions to be included with the tax bills.

Mr. Nixon moved, seconded by Mr. Walker, to approve the agenda as amended.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

APPROVAL OF MINUTES

The minutes of the September 5, 2006 regular meetings were presented to the

Board for approval.

Mr. Nixon moved, seconded by Mrs. Hansohn, to approve the minutes as presented.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

CONSENT AGENDA

Mr. Egertson reviewed the following Consent Agenda items with the Board:

- a. The Board will consider a request from the Virginia Department of Transportation to accept the following streets into the Secondary System of State Highways: Windsong Court on State Route No. 1235, and Mabel Court on State Route No. 1236 in the Windsong Subdivision; and Rotherwood Drive, State Route No. 1197, Meadow Court, State Route No. 1198, and Field Crest Court, State Route No. 1199, in the Rotherwood Subdivision.
- b. The Board will consider acceptance of a grant for the Sheriff's Office from the United States Department of Justice for informing citizens, including the schools about gang violence and appropriation of those federal funds in the amount of \$49,361. No local match required.
- c. The Board will consider acceptance and appropriation of donations received at the Airport for the Air-fest to be held on October 14, 2006 in the amount of ~~\$1,500~~ \$3,000. Additional donations were received in the amount of \$1,500 for a total of \$3,000.
- d. The Board will consider acceptance of a grant for the Sheriff's Office from the Division of Motor Vehicles (DMV) and appropriation of the funds from DMV in the amount of \$14,800. The funding will be used for overtime for traffic enforcement and an in-car camera. Local match required is \$2,960 and will come from the Sheriff's Operating budget.

Mr. Chase asked for reassurance that the grant funds requested in item b. would be used exclusively for the Sheriff's Office. Sheriff Hart assured him that the funds would be used by his office to train personnel in Spanish and to work with community groups and the schools on gang awareness as a proactive measure. He stated that while there was gang activity in the County, he did not feel there was a serious problem at this time.

Mr. Nixon moved, seconded by Mr. Aylor, to approve the Consent Agenda as presented.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

GENERAL COUNTY BUSINESS

INTRODUCTION OF NEW EMPLOYEES

Mr. Dave Maddox, County Attorney, introduced Mr. Mark Taylor, the new Assistant County Attorney, and provided information on his background and experience, most recently as County Attorney for Spotsylvania County.

Mr. Coates welcomed Mr. Taylor on behalf of the Board. Mr. Taylor thanked the Board for the opportunity to serve the community.

Ms. Dianna Catron, IT Director, was unable to be present. Mr. Todd Frazier of the IT staff introduced Mr. Owen Morgan, the new IT Web Services/Software Coordinator.

Mr. Coates welcomed Mr. Morgan to the County staff. Mr. Morgan thanked the Board for the opportunity to develop and continue the process of web development for the County.

Ms. Linda Murphy, Senior Extension Agent, introduced Ms. JoAnna Clark, Unit Support Staff; and Ms. Debra Blase, 4-H Program Assistant. She said that Mr. Peter Callan, Extension Agent, Farm Business, was unable to be present and she would introduce him at a later date. She stated that the vacant 4-H Agent position was in the process of being filled, and she was pleased that the office would soon be fully staffed.

Ms. Cecilia Haught, Chair of the Extension Leadership Council, invited the Board to attend the Council's annual luncheon meeting on December 5.

Mr. Coates welcomed Ms. Clark and Ms. Blase on behalf of the Board.

VOTING CREDENTIAL FOR THE ANNUAL VACo BUSINESS MEETING

Mr. Egertson stated that the Board needed to designate representatives to cast the Board's votes at the VACo Annual Meeting on November 12-14.

Mr. Nixon moved, seconded by Mr. Rosenberger, that Mr. Walker be designated as the Board's voting designee since Mr. Walker was already on the VACo Board and it would be a natural match.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Walker moved, seconded by Mrs. Hansohn, that Mr. Nixon be designated as the alternate.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Walker stated that VACo has been working diligently during the extended session in trying to help with the transportation issue, but had not been successful to date.

NEW BUSINESS

COMMITTEE REPORTS

BUILDINGS & GROUNDS COMMITTEE REPORT - SEPTEMBER 12, 2006

Mr. Nixon reported that the Buildings & Grounds Committee met and was forwarding the following recommendation to the full Board.

1. Recommending to award the contract for architectural services to Dex Sanders for general services and for the additional classrooms at Galbreath/Marshall Building.

Mr. Nixon explained that Dex Sanders would be providing some general design work for the Galbreath/Marshall Building and for remodeling the Wachovia Building. He said the contract would be on a time and materials basis, and once a definite scope of work had been developed, recommendations would be made on specific amounts to award contracts for each of the projects to be voted on at a later date.

Mr. Nixon moved, seconded by Mr. Aylor, to award a contract to Dex Sanders for general architectural services.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

See Attachment #1 for details of meeting.

RULES COMMITTEE REPORT - SEPTEMBER 12, 2006

Mr. Walker reported that the Rules Committee met and was forwarding the following recommendation to the full Board:

1. Recommending that the proposed Ordinance, Article XV. Technology Zones, be advertised for a public hearing.

Mr. Walker moved, seconded by Mr. Nixon, to authorize advertising the proposed Ordinance for a public hearing.

Mr. Walker stated that Mr. Carl Sachs, Economic Development Director, was unable to be present, but Ms. Stacey Brown of his staff was present to answer any questions.

Mr. Maddox explained that the purpose of the Ordinance was to create a new type of economic development incentive for businesses to relocate and to expand in Culpeper, with a focus on certain light industries in the technology field.

Mr. Egertson indicated that the Board members had received the final version of the Ordinance, which identified the areas where the technology zone would apply and those areas were in line with the Comprehensive Plan. He stated that the policy that would establish the incentives would be considered by the Rules Committee at its October meeting. He anticipated that both the Ordinance and policy would be considered at the Board's November meeting.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

See Attachment #2 for details of meeting.

E-9-1-1 BOARD OF DIRECTORS REPORT - SEPTEMBER 21, 2006

Mrs. Hansohn reported that the E-9-1-1 Board of Directors met and was forwarding the following recommendations to the full Board:

1. Recommending that the refund of \$32,273.56 from the State 911 Wireless Board be appropriated to the 911 budget with the understanding that the formula would apply with one-third credited to the Town and two-thirds credited to the County; and authorized the Director of the Center to purchase the automatic switch for \$3,500 and the Town to pay one-third.
2. A request will be considered for approval of an additional \$30,965 to be appropriated to the Tower Maintenance line item, and transfer \$4,700 to the telephone switch maintenance line item.

Mrs. Hansohn moved, seconded by Mr. Walker, to appropriate the refund to the 911 Budget with the understanding that the formula would apply with one-third credited to the Town and two-thirds reccredited to the County, and to authorize the Director of the Center to purchase the automatic switch for \$3,500 with the Town paying one-third of that amount.

Mr. Chase felt that the funds should go back to the General Fund until a specific request could be made and a need identified. Mrs. Hansohn pointed out that the second recommendation from the Committee was to use the \$30,000 for tower maintenance.

Mr. Chase asked for clarification why tower maintenance was costing more than was

budgeted.

Mr. Alan Culpeper, Communications/Procurement Director, stated that the current towers had been in operation for approximately six years, and two tower light failures had occurred since July. He explained that the towers were required to be maintained according to FCC and FAA regulations to avoid being fined. He said the request was to transfer funds from the Environmental Services tower repair budget and the E-9-1-1 Center in order to consolidate all tower monies to ensure there would be sufficient funds in the event of another catastrophic light failure. He explained that the light fixture, flash technology board, etc., cost approximately \$10,000 for each tower site.

Mr. Chase stated he understood there was a maintenance contract in effect on the towers. Mr. Culpeper said the County had a maintenance contract with Shenandoah Towers, but it covered only labor and the cost of any parts involved.

Mr. Chase pointed out that staff did not know whether or not the funds would be needed. Mr. Culpeper agreed and assured him that the funds would go into the General Fund next year if they were not used. He explained the required 24-hour turnaround period for repair when a tower light failed and having funds available would expedite the process.

Mrs. Hansohn pointed out that the additional funds were from the State 911 Wireless Board, and she believed they had to be used just for E911 purposes. She was not certain whether or not they could be transferred to the General Fund.

Mrs. Valerie Lamb, Finance Director, stated it was her understanding from conversations with Mr. Steve Basnett, Emergency Operations Center Director, that after the switch was purchased, the balance of the \$32,000 and the one-third/two-thirds split would reduce the Town and County share of operations for the 911 Center. She explained that the money Mr. Culpeper was referring to would be money coming out of an Operational Transfer. She further explained that it would be a "wash" transaction because a portion would go back to the General Fund from the 911 Operations and funds would be pulled out of Operational Transfers to cover Mr. Culpeper's request.

Mr. Chase called for question.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mrs. Hansohn moved, seconded by Mr. Aylor, to approve an additional \$30,965 to

be appropriated to the Tower Maintenance line item, and transfer \$4,700 of that amount to the telephone switch maintenance line item.

Mr. Coates called for voice vote.

Ayes - Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Nay - Chase

Motion carried 6 to 1.

See Attachment #3 for details of meeting.

PUBLIC SAFETY COMMITTEE REPORT - SEPTEMBER 21, 2006

Mr. Nixon reported that the Public Safety Committee met and was recommending the following for the Board's consideration:

1. Recommending to extend the insurance contract for six months and issue a new RFP for FY 07.
2. Recommending \$25,000.00 start-up money for Salem Volunteer Fire Department, Inc.

Mr. Nixon stated the Committee discussed the Fire and Rescue Association's insurance contract at great length and decided to send the insurance contract back out for rebid starting next year and to extend the current contract for the balance of this year.

Mr. Nixon moved, seconded by Mrs. Hansohn, to extend the current contract for Fire and Rescue Association insurance for six months and issue a new RFP for FY 07.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Nixon moved, seconded by Mr. Walker, to approve a request from Salem Volunteer Fire Department, Inc., for \$25,000 start-up funds for their new building.

Mr. Chase asked whether start-up funds had been provided to Brandy Station. Mr. Nixon stated he knew it had been done for other departments, but he did not know about Brandy Station. Mr. Coates stated that startup funds had been provided to Little Fork and Reva, but Brandy Station had not made a request to date.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

See Attachment #4 for details of meeting.

ECONOMIC DEVELOPMENT REPORT

In Mr. Sachs' absence, Mrs. Stacey Brown, reported that plans were moving forward for the 9th Annual Harvest Day Farm Tour to be held October 7 and 8, from 10:00 a.m. to 4:00 p.m. She stated there were 17 participating farms in this year's tour, including a winery, florist, horse farms, dairy farms, and goat farms, and there should be something of interest for everyone. She stated the tour was free of charge, and volunteers were still needed.

AIRPORT ADVISORY COMMITTEE REPORT - SEPTEMBER 13, 2006

Mr. Egertson reported that the Airport Advisory Committee met and there were no action items to bring forward.

ADMINISTRATOR'S REPORT

Mr. Egertson made the following announcements:

- a. VDOT is holding a public hearing on November 16, 2006 on the Western Outer Loop road, 5:00 to 7:00 p.m., at the Germanna Technical Center.
- b. A tour of the new high school site has been scheduled for October 9th at 5:00 p.m., and the Board is invited to attend.
- c. The City of Staunton is seeking the County's support in its bid for the U.S. Marshals Service Museum. The City is competing with Ft. Smith, Arkansas for the museum, and a proposed letter has been prepared for the Chairman's signature in support of this effort.

Mr. Nixon moved, seconded by Mr. Walker, to send a letter of support from the Board to the City of Staunton for the U. S. Marshals Service Museum.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Egertson stated an additional item was added to the Administrator's Report to discuss the voluntary tax contributions form that was being sent out with the tax bills. He said that Mr. Bossio had asked for clarification that the format would remain the same this year since the County Treasurer was moving forward with finalizing the form.

Mr. Nixon recalled that the Board decided not to change the form this year, but consider changes next year based on five years of history.

Mr. Chase asked for additional information on contributions.

Mr. David DeJarnette, County Treasurer, stated that beginning in 2002,

approximately \$10,000 was given in voluntary contributions, with 328 total contributors.

Mr. Chase asked for last year's figure. Mr. DeJarnette replied that \$8,356 was contributed last year. Mr. Chase asked how much it cost to prepare the form. Mr. DeJarnette replied that approximately 30,000 voluntary contributions forms were sent out and the cost was under \$2,000, which resulted in a positive gain. He said he was asking for clarification since the community pool project was coming into focus and several citizens had suggested it be included on the form.

Mr. Walker asked whether contributions to the community pool could be designated under the community complex category. Mr. DeJarnette replied that there was not an actual slot at the present time, but there was one for the community recreational complex. Mr. Walker felt that contributions could be designated for the pool if deemed appropriate.

Mr. Chase pointed out that the Board had voted to provide no cash for the pool, but had donated the land as an in-kind donation. Mr. Nixon agreed and stated no money would be coming from the County, just from the citizens who wished to contribute.

Mr. Nixon asked about the timing for sending out the tax bills. Mr. DeJarnette replied that he planned to send them out between October 16 and 25. Mr. Nixon asked if that would allow time to add the community pool to the voluntary contributions form. Mr. DeJarnette stated that the form was in the final edit stage and he could add a seventh category if the Board wished to do so.

Mr. Walker stated that the pool was a community wide issue and adding the additional category would be a way to raise funds without using any County funds to do so.

Mr. Walker moved, seconded by Mr. Nixon, to add the community pool as a seventh category to the voluntary contributions form.

Mr. Chase stated he could not support the motion.

Mr. Coates stated he would support the motion because there were citizens who had inquired how to make contributions to the pool and this would be a way to generate funds to move the project forward.

Mr. Coates called for voice vote.

Ayes - Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Nay - Chase

Motion carried 6 to 1.

CLOSED SESSION

Mr. Nixon moved to enter into closed session, as permitted under the following *Virginia Code* Sections, and for the following reasons:

1. Under *Virginia Code* §2.2-3711(A)(1), to consider: (A) Readvertising for an appointment to the Town & County Joint Board of Zoning Appeals; (B) Readvertising for an appointment to the Agricultural Resource Advisory Committee; and (C) Consideration of reappointment and/or appointment to the Airport Advisory Committee.
2. Under *Virginia Code* § 2.2-3711(A)(7) to discuss with County staff and counsel specific litigation involving the County.

Seconded by Mr. Walker.

Mr. Coates called for voice vote.

Ayes - Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Nay - Chase

Motion carried 6 to 1.

Mr. Coates thanked Mr. Egertson for sitting in for Mr. Bossio at the morning session and noted that Mr. Bossio would be present for the evening session.

The Board returned to open session at 11:35 a.m.

Mr. Coates polled the members of the Board regarding the closed session held. He asked the individual Board members to certify that to the best of their knowledge, did they certify that (1) only public business matters lawfully exempted from the open meeting requirements under Virginia Freedom of Information Act, and (2) only such public business matters as were identified in the closed session motion by which the closed meeting was convened, were heard, discussed or considered by the Board in the closed session.

Ayes - Aylor, Chase, Walker, Coates, Nixon, Rosenberger, Hansohn

RE: READVERTISE FOR APPOINTMENT TO THE TOWN & COUNTY JOINT BOARD OF ZONING APPEALS

Mr. Nixon moved, seconded by Mrs. Hansohn, to readvertise for appointment to the Town & County Joint Board of Zoning Appeals.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

RE: READVERTISE FOR APPOINTMENT TO THE AGRICULTURAL RESOURCE ADVISORY COMMITTEE

Mr. Nixon moved, seconded by Mrs. Hansohn, to readvertise for appointment to the

Agricultural Resource Advisory Committee.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

RE: REAPPOINTMENT TO AIRPORT ADVISORY COMMITTEE

Mr. Nixon moved, seconded by Mrs. Hansohn, to reappoint J. Robert Yeaman III, to the Airport Advisory Committee for a three-year term.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

ADJOURNMENT

Mrs. Hansohn moved, seconded by Mr. Nixon, to adjourn at 11:37 a.m.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Peggy S. Crane, CMC
Deputy Clerk

John F. Coates, Chairman

John C. Egertson
Acting Clerk to the Board

APPROVED: November 8, 2006